IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

WP(C).No. 28368 of 2006(B)

TA.8/2000 of DEBT RECOVERY TRIBUNAL, ERNAKULAM

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PETITIONERS:

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1. P.N.HARIDASAN, ANANTHABHAVANAM, ASHTAMUDI P.O., KOLLAM DISTRICT.

2. SMT.SUJATHA, W/O.HARIDASAN, ANANTHABHAVANAM, ASHTAMUDI P.O., KOLLAM DISTRICT.

BY ADV. SRI.LEGY ABRAHAM
SRI.C.N.SIVANKUTTY
SRI.JOSWIN THAMBI KUNNATH

RESPONDENTS:

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1. THE SOUTH INDIAN BANK LTD., KOLLAM BRANCH, KOLLAM-1, REPRESENTED BY ITS CHIEF MANAGER.

2. THE DEBT RECOVERY TRIBUNAL (KERALA STATE LAKSHA DWEEP), HOUSING BOARD BUILDING, PANAMPILLY NAGAR, COCHIN-36.

3. THE DEBT RECOVERY OFFICER, HAVING ITS OFFICE AT HOUSING BOARD BUILDING, 8TH FLOOR, PANAMPILLY NAGAR, ERNAKULAM, COCHIN-36.

BY ADV. SRI.K.PRABHAKARAN, SC,SOUTH INDIAN BANK

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 28368/2006 B

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE LETTER NO. G/217/06-07 DT. 12/10/06 OF THE R1.

EXT.P2. COPY OF THE JUDGMENT DT. 27/3/2006 IN WPC NO. 516/2006 OF THIS COURT.

EXT.P3. COPY OF THE CERTIFICATE OF ENCUMBRANCE ISSUED BY SRO, ANJALUMMOODU DT. 28/09/04.

EXT.P4. COPY OF THE TAX RECEIPT NO. 0175270 DT. 7/10/2005 OF THE VILLAGE OFFICER, THRIKKARUVA.

EXT.P5. COPY OF THE TAX RECEIPT NO. 0175271 DT. 7/10/2005 OF THE VILLAGE OFFICER, THRIKKARUVA.

True copy

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K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 28368 OF 2006-B

JUDGMENT

The petitioners have approached this Court, seeking the following reliefs:

> "(a) issue a writ of mandamus, directing the Debt Recovery Tribunal to release the petitioners' property comprised in Re-survey Nos. 60/4 and 60/5 in Block 4 of Thrikkaruva Village in Kollam Taluk having an extent of 57.50 ares (142 cents) which is the scheduled property in T.A.No.8 of 2000 of DRT, Ernakulam, from the mortgage and free of all charges,
>
> (b) issue a writ of mandamus, directing the Recovery Officer to release the petitioners' property comprised in Re-survey Nos.60/4 and 60/5 in Block 4 of Thrikkaruva Village in Kollam Taluk having an extent of 57.50 ares (142 cents) which is the scheduled property in T.A.No.8/2000 of DRT, Ernakulam, from recovery proceedings,
>
> (c) direct the respondent Bank to release the charge over petitioners' property."

The learned counsel appearing for the 1st respondent Bank submitted that the Bank has no objection in granting the above reliefs sought by the petitioners. Accordingly, the Writ Petition is allowed, directing the DRT to release the property of the petitioners comprised in Re-survey Nos.60/4 and 60/5 in Block No.4 of Thrikkaruva Village in Kollam Taluk having an

extent of 57.50 ares, which is the scheduled property in T.A.No.8/2000 of DRT, Ernakulam, within two months from the date of production of a copy of this judgment.

5th March, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/